HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17544 OF 2004

DATED: 1.2.2006

Between:

C.J. Vokappa

… Petitioner

and

The Commandant, CISF Unit BHEL (R),

Ramachandrapuram, Hyderabad and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17544 OF 2004

ORAL ORDER:

Writ Petition is misconceived.

Admittedly, the petitioner as CISF Constable was transferred from BHEL, Hyderabad, to the CISF Unit, STPP, Simhadri, Visakhapatnam. As a result, he was to vacate the quarters that he was occupying at the BHEL, Hyderabad. On the ground that he is having a son who is physically and mentally retarded and is to be treated at the Niloufer Hospital and the Nizam's Institute of Medical Sciences (NIMS), the petitioner retained the quarter at the BHEL. He also sought extension of retention of family accommodation for a period of one month, by a representation.

By the impugned proceedings dated 18.9.2004, the petitioner is informed that his request cannot be acceded to, as he was posted out from the BHEL unit before the start of academic year 2004-2005 and therefore he was directed to vacate the family accommodation at the BHEL immediately, failing which penal rent at Rs.1100/- would be recovered from 15.8.2004 and remitted to the CISF Unit, BHEL, Hyderabad.

Petitioner contends that the direction issued by the respondents to him to vacate the quarters as also the direction that the penal rent of Rs.1100/- would be deducted from his salary, is arbitrary. According to the petitioner, there is no school for the mentally retarded children at Simhadri, Visakhapatnam and therefore he is entitled to continue at the BHEL quarters, Hyderabad.

The claim of the petitioner and the relief sought, on the basis of the said claim is misconceived. The petitioner was transferred out of the BHEL unit to STPP, Simhadri. He has not pleaded any legal entitlement to retain the accommodation at the BHEL, despite his transfer to Visakhapatnam, even on the ground that some members of his immediate family and his dependents require some accommodation in Hyderabad. In the absence of any legal right, the petitioner cannot retain the family accommodation at the BHEL; for unauthorized accommodation of the family accommodation, the petitioner is liable to pay the penal rent.

This court, on the above analysis, discerns no infirmity in the impugned order. Writ Petition is without any merits and is accordingly dismissed. The petitioner is however at liberty to prefer a representation to the respondents, for waiver of the penal rent, which if made may be considered according to the administrative discretion. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 1.2.2006

CVM